

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-32169 - APPLICANT: MIRANDA INCOME TAX -

OWNER: CRISTINA STEPHENS

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Rezoning (ZON-32169) from R-1 (Single Family Residential) zone to P-R (Professional Office and Parking) zone on 0.14 acres located at 2404 Kirk Avenue. The applicant has also submitted applications for a General Plan Amendment (GPA-32164) to change the General Plan designation from L (Low Density Residential) to O (Office), and a Site Development Plan Review (SDR-32170) for the conversion of a single-family residence to an office building, with Waivers to allow a five-foot landscape buffer along the north and east property lines where 15 feet is required and a zero-foot landscape buffer along the south and east property lines where eight and five feet, respectively, are required. The subject site is located within a neighborhood that retains single-family residential zoning throughout the entire community. There are residential properties along Eastern Avenue south of the subject site that have been converted to commercial zoning, but these properties are located adjacent to other existing commercial development and are generally oriented toward Eastern Avenue. The subject site is oriented Toward Kirk Avenue, into the residential community, and the conversion of the property to a commercial use would not be compatible with the adjacent residential uses; therefore, staff is recommending denial of this Rezoning request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 07/22/04 | A Code Enforcement complaint (#18625) was processed for trash and debris at 2404 Kirk Ave. The complaint was resolved on 08/13/04. |
| 09/29/06 | A Code Enforcement complaint (#46722) was processed for a trailer in the rear yard where food is possible being served at 2404 Kirk Ave. The complaint was resolved on 11/07/06. |
| 02/06/07 | A Code Enforcement complaint (#50135) was processed for large gatherings on weekends at 2404 Kirk Ave. The complaint was resolved on 02/12/07. |
| <i>Related Building Permits/Business Licenses</i> | |
| 12/10/97 | A building permit (#97024495) was issued for a hot water heater at 2404 Kirk Ave. The permit expired on 06/13/98. |
| 03/07/00 | A building permit (#3952) was issued for a storage shed at 2404 Kirk Ave. The permit expired on 09/09/00. |
| <i>Pre-Application Meeting</i> | |
| 10/20/08 | A pre-application meeting was held to discuss the submittal requirements for a General Plan Amendment, Rezoning and Site Development Plan Review. Development standards for the conversion of a residence to an office building were also discussed. |

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| <i>Neighborhood Meeting</i> | |
|------------------------------------|---|
| 12/11/08 | <p>A neighborhood meeting was held at 6:00pm at the East Las Vegas Community Center Senior Center, Room #1, located at 250 N. Eastern Avenue Las Vegas, Nevada 89014. There were three representatives for the applicant, two area residents and one staff person from the Planning and Development department in attendance. The following issues were addressed:</p> <ul style="list-style-type: none"> • The applicant stated that the proposed use was for a travel agency, not an income tax service as indicated in the neighborhood meeting notice. • The residents in attendance questioned the need to Rezone the property to Office when there is more than adequate vacant space in commercial areas. The applicant responded that they already own the house and haven't been able to rent it to residential tenants due to its location on a heavily traveled street. • The residents didn't like the location of the driveway along the west property line (they live on the abutting property). • It was noted that there is already too much traffic on Kirk Avenue, and the office use will exacerbate the problem. • There was a concern that patrons of the business would park on the street and block residential driveways. • The residents requested that fence on the west property line be raised to seven feet in order to provide a better buffer. • The residents expressed a concern about vandalism after hours and stated that the commercial use would decrease the value of their residence. <p>The residents stated that they were opposed to the Rezoning, and wished the property to stay residential.</p> |
| <i>Field Check</i> | |
| 12/03/08 | <p>A field check was conducted by staff. The subject site contains a vacant single-family residence in relatively good condition. There is one existing landscape area in the front yard; otherwise, the entire site is surfaced with concrete. There is graffiti on the perimeter walls and some debris in the side and rear yards.</p> |

| <i>Details of Application Request</i> | |
|--|------------|
| <i>Site Area</i> | |
| Gross Acres | 0.14 Acres |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|-----------------------------|---------------------------------|
| Subject Property | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| North | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |

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| | | | |
|-------|-------------------------|--------------------------------|----------------------------------|
| South | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Senior Apartments | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| West | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | N/A |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|----------------------|-----------------------------------|-----------------|-------------------|
| Min. Lot Size | N/A | 6349 SF | Y |
| Min. Lot Width | 60 Feet | 65 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 25 Feet | Y |
| • Side | 5 Feet | 10 Feet | Y |
| • Corner | 15 Feet | 16 Feet | Y |
| • Rear | 15 Feet | 43 Feet | Y |
| Max. Lot Coverage | 50% | 18% | Y |
| Max. Building Height | Lesser of 2 stories or 35 feet | 11 Feet | Y |

ANALYSIS

The subject site has a General Plan designation of L (Low Density Residential). The applicant is proposing a General Plan Amendment (GPA-32164) to change the designation to O (Office), which provides for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

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The subject site is zoned R-1 (Single Family Residential). The applicant is requesting a Rezoning to P-R (Professional Office and Parking), which is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R (Professional Office and Parking) district should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the Office category of the General Plan, and would allow the Office use proposed in an associated Site Development Plan Review (SDR-32170). In this case, the subject site is located adjacent to Eastern Avenue, a high-traffic Primary Arterial roadway, but is oriented toward Kirk Avenue and the residential neighborhood. The conversion of the residential property to a commercial use would bring additional traffic and noise into the neighborhood, instead of acting as a transitional zone; therefore, staff is recommending denial of this Rezoning request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

Objective 2.2 of the 2020 Master Plan seeks “to ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible.” The proposed O (Office) General Plan designation will allow commercial uses that are more intense than, and generally not compatible with, the residential uses allowed by the adjacent L (Low Density Residential) land use designation to the north and east. In the associated Site Development Plan Review (SDR-32170), the applicant is requesting Waivers of the requirement for landscape buffers that would otherwise provide for mitigation of the adverse impacts that the proposed development of this site will have on the adjacent residential parcels.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

This Rezoning, if approved, will allow commercial uses that are generally not compatible with the surrounding single-family residences.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

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The subject site is located within a neighborhood that retains single-family residential zoning throughout the entire community. There are residential properties along Eastern Avenue south of the subject site that have been converted to commercial zoning, but these properties are located adjacent to other existing commercial development and are generally oriented toward Eastern Avenue.

- 4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Direct access to the site is via a driveway onto Kirk Avenue, a 50-foot Local Street as designated by the Master Plan of Streets and Highways. The anticipated office use will generate a net increase in average daily traffic of only three vehicles, indicating that the street is adequate for site access.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 254

APPROVALS 2

PROTESTS 0